



NASA Policy Directive

COMPLIANCE IS MANDATORY

NPD 2081.1

Effective Date: February 17, 2004

Expiration Date: March 15, 2007

Subject: Nondiscrimination In Federally Assisted and Federally Conducted Programs of NASA - Delegation of Authority

Responsible Office: Office of Diversity & Equal Opportunity

1. Policy

a. This Directive sets forth NASA's policy and establishes responsibilities to ensure that no person in the United States shall, on the ground of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied benefit of, or be subjected to discrimination under any program or activity receiving NASA financial assistance. No person in the United States shall, on the ground of disability, be excluded from participation in, be denied benefit of, or be subjected to discrimination in any program or activity conducted by NASA.

b. When developing, procuring, maintaining, or using electronic and information technology, NASA shall ensure, unless an undue burden would be imposed, that the electronic and information technology allows, regardless of the type of medium of the technology, individuals with disabilities who are NASA employees to have access to and use of information and data that is comparable to the access to and use of the information and data by Federal employees who are not individuals with disabilities; and individuals with disabilities who are members of the public seeking information or services from NASA have access to and use of information and data that is comparable to the access to and use of the information and data by such members of the public who are not individuals with disabilities.

c. No individual, on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, or status as a parent, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in, a NASA conducted education or training program or activity.

d. No grants or agreements with nonprofit institutions or organizations (including training grants or facilities grants) shall be entered into unless and until an assurance of the type set forth in NASA Form 1206, "Assurance of Compliance with the National Aeronautics and Space Administration Regulation Pursuant to Nondiscrimination in Federally

Assisted Programs" has been obtained and signed by the organization's president, chairperson of the board, or any official who is authorized to contractually bind the nonprofit institution or organization.

2. Applicability

This Directive is applicable to NASA Headquarters and NASA Centers, including Component Facilities.

3. Authority

- a. 42 U.S.C. § 2000d, Title VI of the Civil Rights Act of 1964, as amended, prohibiting discrimination based on race, color, or national origin in federally assisted programs.
- b. 20 U.S.C. §§ 1681, et seq., Title IX of the Education Amendments of 1972, prohibiting discrimination based on sex at educational institutions that receive Federal financial assistance.
- c. 29 U.S.C. §§ 701, et seq., the Rehabilitation Act of 1973, as amended, prohibiting discrimination based on handicap in federally assisted and conducted programs.
- d. 42 U.S.C. §§ 6101, et seq., the Age Discrimination Act of 1975, as amended, prohibiting discrimination based on age in federally assisted programs.
- e. Executive Order 12898 of Feb. 11, 1994, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
- f. Executive Order 13160 of June 23, 2000, Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs.

4. Reference

- a. 14 CFR Part 1250, Nondiscrimination in Federally Assisted Programs of NASA.
- b. 14 CFR Part 1251, Nondiscrimination on Basis of Handicap.
- c. 14 CFR Part 1252, Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance.
- d. 14 CFR Part 1253, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.
- e. 14 CFR Part 1260, Grants and Cooperative Agreements.
- f. 14 CFR Part 1204, Subpart 4, Small Business Policy.
- g. 11 CFR Part 36, Electronic and Information Technology Accessibility Standards.

h. Agreement Between National Aeronautics and Space Administration and Department of Education to Delegate Certain Civil Rights Compliance Responsibilities for Elementary and Secondary Schools and Institutions of Higher Education. Copies of this document can be obtained by contacting the Office of Equal Opportunity Programs at NASA Headquarters.

i. NASA Form 1206, "Assurance of Compliance With the National Aeronautics and Space Administration Regulations Pursuant to Nondiscrimination in Federally Assisted Programs." Copies of this document can be obtained by contacting the Office of Equal Opportunity Programs at NASA Headquarters or can be electronically retrieved at https://extranet.hq.nasa.gov/nef/user/form_search.cfm.

j. NASA Environmental Justice Strategy. Copies of this document can be obtained by contacting the Office of Management Systems, Environmental Management Division at NASA Headquarters.

5. Responsibility

a. Officials-in-Charge of Headquarters Offices and Center Directors are responsible for cooperating with the NASA Principal Compliance Officer, the Assistant Administrator for Equal Opportunity Programs, in carrying out the provisions of the NASA Federally assisted/conducted regulations.

b. The Assistant Administrator for Procurement is responsible for ensuring that NASA grants and contracts are awarded and administered within the framework of applicable civil rights statutes, regulations, and policies.

c. The Assistant Administrator for Small and Disadvantaged Business Utilization shall exercise responsibilities regarding small and disadvantaged businesses as described in 14 CFR Part 1204, Subpart 4, "Small Business Policy," and applicable Federal statutes which encourage contracting with socially and economically disadvantaged businesses.

d. The NASA Chief Information Officer shall be responsible for the issuance of policies and guidance governing the technical aspects of accessibility of Agency electronic and information technology consistent with Federal statutes and regulations, for ensuring Agency compliance with those policies, and for organizing and providing leadership to Agencywide teams promoting accessibility to NASA electronic and information technology.

e. The Department of Education has been delegated compliance monitoring and complaint investigation responsibilities at educational institutions as provided by the Agreement between NASA and the Department of Education (Agreement). Responsibility for compliance monitoring and complaint investigation at organizations other than educational institutions is retained by NASA. Responsibility for enforcement of Executive Order 13160 is retained by NASA. In the event that the Department of Education is unable to obtain voluntary compliance from recipients found in noncompliance, the matter will be referred to NASA for final compliance determination in accordance with the Agreement and NASA regulations.

6. Delegation of Authority

- a. The Assistant Administrator for Equal Opportunity Programs, as NASA's Principal Compliance Officer, is delegated authority to administer the Federally assisted/conducted program regulations (see Sec. 4(a)-(e)).
- b. The Assistant Administrator for Equal Opportunity Programs, as NASA's Principal Compliance Officer, is delegated authority to administer Section 508(f) of the Rehabilitation Act of 1973, as amended, which allows any individual with a disability to file a complaint alleging that a Federal department or agency has failed to comply with the act in providing electronic and information technology.
- c. The Assistant Administrator for Equal Opportunity Programs is delegated authority to ensure compliance with Executive Order 13160, Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs.

7. Measurements

Consistent with Executive Order 13160 and the Executive Order 13160 Guidance Document: Ensuring Equal Opportunity in Federally Conducted Education and Training Programs, issued by the Attorney General, NASA will submit to the Attorney General a report that summarizes the number and nature of complaints filed pursuant to Executive Order 13160 and the disposition of such complaints. For the first 3 years after the date of the Executive Order, such reports will be submitted annually within 90 days of the end of the preceding year's activities. Subsequent reports will be submitted every 3 years and within 90 days of the end of each 3-year period (see Sec. 6 of Executive Order 13160).

8. Cancellation

NPD 2090.5C, dated March 15, 2002.

/s/ Sean O'Keefe
Administrator

Attachment A: (Text)

None.

(URL for Graphic)

None.

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